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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,906	10/23/2003	Harold Isaacs	TOR-101US	6538

7590 08/16/2005

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EXAMINER

GREENHUT, CHARLES N

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/691,906	Applicant(s) ISAACS, HAROLD	
	Examiner Charles N. Greenhut	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) - ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Specification

1. The specification contains the following minor informalities:

1.1. "Summary Of The Inventi n" should read "Summary Of The Invention".

Appropriate correction is required.

Claim Objections

1. Claim 1 is objected to because "and a saddle" should read "and the saddle" in line 9.
2. Claim 14 is objected to because "The transport cart of claim 1" should read "The transport cart of claim 11".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1-6, 9-16, and 19-20 is/are rejected under 35 U.S.C. 102(b) as being anticipated by NEAL (US 6,899,347).

1.1. With respect to claim 1, NEAL discloses a motion guidance system including a guide column (430), secured to a structural frame (414), a carriage movable along the guide column (472) and secured to the structural frame, an anti-rotation bearing support affixed to the carriage (552) and movably secured to the structural frame (554) and a support device connected to the structural frame and the saddle (482).

- 1.2. With respect to claim 2, NEAL discloses all elements of claim 1 and additionally discloses the anti-rotation bearing affixed to the saddle on one end and adapted to ride in an anti-rotation guide secured to the structural frame on the other.
- 1.3. With respect to claim 3, NEAL discloses all elements of claim 1 and additionally discloses a carriage secured to and adapted to move along the length of the support tube, the carriage being interconnected to the saddle.
- 1.4. With respect to claim 4, NEAL discloses all elements of claim 1 and additionally discloses the support device including a spring attached at one end to the saddle and at the other end to the structural frame.
- 1.5. With respect to claim 5, NEAL discloses all elements of claim 3 and additionally discloses the spring at one end coupled to the carriage and the other to the frame.
- 1.6. With respect to claim 6, NEAL discloses all elements of claim 5 and additionally discloses a second spring connected at one end to the carriage and the other to the frame (506).
- 1.7. With respect to claim 9, NEAL discloses all elements of claim 3 and additionally discloses a first and second set of linear bearings (478) adapted to engage the guide column to ensure the carriage can move vertically.
- 1.8. With respect to claim 10, NEAL discloses all elements of claim 9 and additionally discloses the bearings spaced from each other (Col. 12 Li. 55-56).
- 1.9. With respect to claim 11, NEAL discloses a motion guidance system including a guide column (430), secured to a structural frame (414), a carriage movable along the guide column (472) and secured to the structural frame, an anti-rotation bearing support affixed

to the carriage (552) and movably secured to the structural frame (554), a wheel system attached to the frame (Fig. 29) and a support device connected to the structural frame and the saddle (482).

1.10. With respect to claim 12, NEAL discloses all elements of claim 11 and additionally discloses the anti-rotation bearing affixed to the saddle on one end and adapted to ride in an anti-rotation guide secured to the structural frame on the other.

1.11. With respect to claim 13, NEAL discloses all elements of claim 11 and additionally discloses a carriage secured to and adapted to move along the length of the support tube, the carriage being interconnected to the saddle.

1.12. With respect to claim 14, NEAL discloses all elements of claim 11 and additionally discloses the support device including a spring attached at one end to the saddle and at the other end to the structural frame.

1.13. With respect to claim 15, NEAL discloses all elements of claim 13 and additionally discloses the spring at one end coupled to the carriage and the other to the frame.

1.14. With respect to claim 16, NEAL discloses all elements of claim 15 and additionally discloses a second spring connected at one end to the carriage and the other to the frame (506).

1.15. With respect to claim 19, NEAL discloses all elements of claim 13 and additionally discloses a first and second set of linear bearings (478) adapted to engage the guide column to ensure the carriage can move vertically.

1.16. With respect to claim 20, NEAL discloses all elements of claim 19 and additionally discloses the bearings spaced from each other (Col. 12 Li. 55-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 7 and 17 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over NEAL.

1.1. With respect to claim 7, NEAL teaches all elements of claim 3. The embodiment of NEAL disclosed in figures 28-34 fails to teach a hydraulic system for controlling the location of the saddle interconnecting the carriage and the frame. The alternative embodiment of NEAL disclosed in figure 36 teaches the support device for controlling the location of the saddle including a hydraulic system interconnecting the carriage and the frame (754). It would have been obvious to one of ordinary skill in the art to modify the embodiment of figures 28-34 with the hydraulic system of the figure 36 embodiment in order to increase the amount of dampening force applied to the saddle, thereby decreasing overshoot and settling time.

1.2. With respect to claim 17, NEAL teaches all elements of claim 13, The embodiment of NEAL disclosed in figures 28-34 fails to teach a hydraulic system for controlling the location of the saddle interconnecting the carriage and the frame. The alternative embodiment of NEAL disclosed in figure 36 teaches the support device for controlling the location of the saddle including a hydraulic system interconnecting the carriage and the frame (754). It would have been obvious to one of ordinary skill in the art to modify the embodiment of figures 28-34 with the hydraulic system of the figure 36 embodiment in

order to increase the amount of dampening force applied to the saddle, thereby decreasing overshoot and settling time.

2. Claim(s) 8 and 18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over NEAL in view of DAVIS (US 5,885,047).

2.1. With respect to claim 8, NEAL teaches all elements of claim 7 and additionally teaches the hydraulic system including a hydraulic cylinder with a piston that moves in and out (756). NEAL fails to teach an idler at one end, a cable attached to one end of the piston and attached to the carriage at the other end wherein movement of the piston causes movement of the carriage. DAVIS teaches an idler at one end (70), a cable (74) attached to one end of the piston (at 60) and attached to the carriage at the other end (at 28) wherein movement of the piston causes movement of the carriage. It would have been obvious to one of ordinary skill in the art to modify NEAL with the cable and idler system of DAVIS in order to cause smooth controlled movement of the shelves and the cargo thereon.


2.2. With respect to claim 18, NEAL teaches all elements of claim 17 and additionally teaches the hydraulic system including a hydraulic cylinder with a piston that moves in and out. NEAL fails to teach an idler at one end, a cable attached to one end of the piston and attached to the carriage at the other end wherein movement of the piston causes movement of the carriage. DAVIS teaches an idler at one end, a cable attached to one end of the piston and attached to the carriage at the other end wherein movement of the piston causes movement of the carriage. It would have been obvious to one of ordinary skill in

the art to modify NEAL with the cable and idler system of DAVIS in order to cause smooth controlled movement of the shelves and the cargo thereon.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG


GENE O. CRAWFORD
PRIMARY EXAMINER